

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450



## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Mark T. Finneran, Kathryn E. Alexander, B. Russell Alexander, Charles E. Wickham Jr.,  
 Richard L. Hitchcock, Scott D. Howard

For (title): EMG Electrode Apparatus And Positioning System

## 1. Type of Application

This transmittal is for a divisional application.

## 2. Benefit of Prior U.S. Applications (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\***

(When using *Express Mail*, the *Express Mail* label number is **mandatory**;  
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I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application,  
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Christopher L. Parmelee

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ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS CLAIMED.

**3. Papers Enclosed**

**A.** Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

43 Pages of Specification  
15 Pages of Claims  
35 Sheets of Drawing(s)

**B.** Other Papers Enclosed

4 Pages of copy of declaration and power of attorney  
1 Page of abstract  
8 Pages of Application Data Sheet  
3 Pages of Information Disclosure Statement with Form PTO/SB/08A

**4. Additional Papers Enclosed**

Amendment to claims: Cancel in this application claims 1-58 before calculating the filing fee.

8 Pages of Preliminary Amendment

**5. Declaration or Oath**

Copy Enclosed

Executed by:  
\* inventors.

**6. Language**

English

**7. Assignment**

An assignment of the invention to will follow

**8. Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

Amendment to claims: Cancel in this application claims 1-58 before calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$750.00
Total Claims (37 CFR 1.16(c))	17	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00
Filing Fee Calculation					\$750.00

**9. Small Entity Statement**

This is a filing by a small entity under 37. C.F.R. § 1.9 and 1.27

Filing Fee Calculation

\$375.00

**10. Fee Payment Being Made at This Time**

Enclosed  
Filing Fee

\$375.00

**Total Fees Enclosed**

**\$375.00**

**11. Method of Payment of Fees**

Charge Account No. 10-0637 (Walker & Jocke) in the amount of \$375.00.  
A duplicate of this transmittal is attached.

**12. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 10-0637 (Walker & Jocke).

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))

37 C.F.R. Section 1.17 (application processing fees)

**13. Instructions as to Overpayment**

Credit Account No. 10-0637 (Walker & Jocke).

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATIONS CLAIMED**

**14. Relate Back—35 U.S.C. § 120, 121 and 365(c)**

This application is a divisional of copending Application Serial Number 09/806,632 filed on April 2, 2001 which is a national phase application of PCT/US99/23033 filed October 4, 1999 which claims the benefit of U.S. Provisional Application Serial Number 60/103,105 Filed October 5, 1998.

**15. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.



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